

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
FIRSTBANK PUERTO RICO, :
: 09 Civ. 10317 (GBD)
Plaintiff, :
: - against - :
: Defendant.
----- X

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Declaration of Amy Chung, dated February 11, 2010, all attached exhibits, the accompanying Memorandum of Law, and the pleadings, defendant Barclays Capital Inc. will move this Court, at a date and time to be determined by this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) for an order dismissing plaintiff's claims with prejudice, and for such additional or other relief as this Court deems just and proper.

Dated: New York, New York
February 11, 2010

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: _____ /s/ Lindsee P. Granfield
Lindsee P. Granfield
Boaz S. Morag

One Liberty Plaza
New York, New York 10006
(212) 225-2000

Attorneys for Barclays Capital Inc.

TO: Jeffrey A. Mitchell, Esq.
Gibbons P.C.
One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701

Attorneys for Plaintiff